

**In the Circuit Court for Lawrence County, Alabama
Thirty-Sixth Judicial Circuit
State of Alabama**

**ADMINISTRATIVE ORDER NO. 5 REGARDING
MARCH 13, 2020, MARCH 15, 2020,
APRIL 2, 2020, and APRIL 30, 2020
ADMINISTRATIVE ORDERS
ENTERED BY THE SUPREME COURT OF ALABAMA**

WHEREAS, on March 13, 2020, the Supreme Court of Alabama, the Honorable Chief Justice Tom Parker, presiding, entered the ADMINISTRATIVE ORDER SUSPENDING ALL IN-PERSON COURT PROCEEDINGS FOR THE NEXT THIRTY DAYS, IN RE: COVID-19 PANDEMIC EMERGENCY RESPONSE, (“the Order”);

WHEREAS, on March 15, 2020, the Supreme Court of Alabama, the Honorable Chief Justice Tom Parker, presiding, entered the ADMINISTRATIVE ORDER NO. 2 PERTAINING TO THE SUSPENSION OF ALL IN-PERSON COURT PROCEEDINGS FOR THE NEXT THIRTY DAYS, (“Order No. 2”);

WHEREAS, in the Order, the Supreme Court of Alabama expressly provided in the order that “. . . all judges and clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing . . .” and further provided that “. . . [t]his order expressly does not prohibit court proceedings by telephone, video, teleconferencing, or other means that do not involve in-person contact. . . .”; and

WHEREAS, Supreme Court of Alabama Chief Justice Tom Parker issued an order dated March 24, 2020 (“Order No. 3”), for court reporters in a hearing using audio-video communication technology to administer oaths to witnesses who are not physically present before the court reporter; and for trial courts to consider the testimony of those witnesses as evidence; and

WHEREAS, in view of the Order and Order No. 2, on March 15, 2020, this undersigned court entered an administrative order and published upon the records of this court, to-wit, “ADMINISTRATIVE ORDER REGARDING MARCH 13, 2020 AND MARCH 15, 2020 ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA” (“the Admin Order No.1”);

WHEREAS, following entry of the Admin Order No. 1, the Lawrence County Commission “declared a state of emergency for the county to deal with the coronavirus (COVID-19) crisis. Therefore, beginning at 12:01 a.m. Tuesday, March 17, 2020, all County-owned and operated buildings/properties will be closed to the public until further notice” (“the County Commission Order”);

WHEREAS, by law and resolution, the Lawrence County Judicial and Administrative Center (“LCJAC”) is the exclusive location provided by the County Commission from the conducting of court business for the 36th Judicial Circuit, including without limit the performance of the duties of the Circuit Court, Circuit Judge, Circuit Court Clerk, District Court, District Court Judge, Juvenile Court, Juvenile Court Judge, Probate Court and Probate Court Judge, and the LCJAC is subject to the closure effected in the County Commission Order;

WHEREAS, in view of the Order and Order No. 2, the Admin Order No. 1, and the County Commission Order, on March 23, 2020, this undersigned court entered an administrative order and published upon the records of this court, to-wit, “ADMINISTRATIVE ORDER NO. 2 REGARDING MARCH 13, 2020 AND MARCH 15, 2020 ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA” (“the Admin Order No.2”);

WHEREAS, effective March 30, 2020, the Administrative Office of Courts of Alabama (“AOC”) made available and fully functional internet or web-based video conferencing and meeting software through Zoom Video Communications Company, this software being made available to this court integrated through Alacourt and, for certain functions of the Court, Microsoft Teams software; and

WHEREAS, in view of the Order, Order No. 2, Order No. 3, the Admin Order No. 1, the County Commission Order, the Admin Order No. 2, and in consult with AOC, on April 1, 2020, this undersigned court entered an administrative order and published upon the records of this court, to-wit, “ADMINISTRATIVE ORDER NO. 4 REGARDING MARCH 13, 2020 AND MARCH 15, 2020 ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA” (“the Admin Order No. 3”);

WHEREAS, the Supreme Court of Alabama issued an administrative order dated April 2, 2020, that adopted the Order, Order No. 2 and Order No.3. Further, the Supreme Court of Alabama’s April 2, 2020, order (“Order No. 4”) provided that “. . .[a]ny deadlines in the Court’s Administrative Orders that are set to expire on April 16, 17 or 20, 2020, are hereby extended through April 30, 2020, and the orders shall remain in full force and effect through April 30, 2020. . .” ; and

WHEREAS, in view of the Order, Order No. 2, Order No. 3, Order No. 4, the Admin Order No. 1, the County Commission Order, the Admin Order No. 2, and the Admin Order No. 3, and in consult with AOC and in order to amend certain portions of the Admin Order No.1 and the Admin Order No. 3, this court entered “ADMINISTRATIVE ORDER NO. 4 REGARDING MARCH 13, 2020, MARCH 15, 2020, AND APRIL 2, 2020, ADMINISTRATIVE ORDERS ENTERED BY THE SUPREME COURT OF ALABAMA” (“Admin Order No. 4”);

WHEREAS, on April 30, 2020, the Supreme Court of Alabama entered, “ADMINISTRATIVE ORDER NO. 6: EXTENDING ORDERS AND DEADLINES CONCERNING THE SUSPENSION OF IN-PERSON PROCEEDINGS THROUGH MAY 15, 2020” (“Order No. 6”);

WHEREAS, in view of the all above-described Administrative Orders entered by the Supreme Court of Alabama, and especially Order No. 6, and of all above-described administrative orders entered by this court, it is necessary for this court to enter certain further orders;

NOW, BE IT ORDERED that until May 15, 2020, or during any subsequent period of time the Supreme Court of Alabama shall suspend or partially suspend in-court proceedings and allow for court hearings to be conducted by audio conference or video conference, this court enters the following administrative orders:

1. All deadlines in the prior administrative orders that are set to expire on April 30, 2020, are hereby extended through May 15, 2020.

2. Effective May 1, 2020, all officials in the circuit courts, district courts, juvenile courts, municipal courts, and probate courts in this circuit are authorized *to prepare* their offices and courtrooms for in-person court proceedings and shall have the authority to direct non-vulnerable employees to appear at work in-person. Operations of the official’s office must comply fully with the recommendations and requirements of the "Safer at Home Order" effective April 30, 2020, issued by Governor Kay Ivey on April 28, 2020 to remain in effect through 5:00 p.m. on May 15, 2020. This order *does not permit* in-person court proceedings prior to May 15, 2020, as all remain disallowed by the prior orders of this court and of the Supreme Court of Alabama, subject to the very limited exceptions set forth in the early Administrative Orders entered by the Supreme Court. However, this order permits court officials to take such intermediary steps as are necessary to facilitate the ultimate return to full court operations.

3. As to ALL court proceedings, trial courts should continue to conduct hearings by teleconference and videoconference, including those within the very narrowly defined set of exceptions to the in-person court proceeding prohibitions (if videoconferencing or teleconferencing services are reasonably available and can be used in such a way as promote due process for all concerned parties). The clerks of court shall also continue to use technology and other means to limit in-person contact.

4. Jury trials shall remain suspended, and no juror summons shall be issued prior to July 1, 2020.

5. No mandatory, multi-case docket calls, where it is reasonably anticipated that more than ten (10) persons will be required to be in a courtroom, court chambers or any other designated place for court proceedings, at or near the same time, shall be conducted prior to May 31, 2020, unless protocols adopted by the Centers for Disease Control to limit the transmission of COVID-19, including maintaining a social distance of at least six feet, can be reasonably accommodated.

It is FURTHER ORDERED that unless specifically or necessarily amended by the terms of this instant order, all provisions of the prior administrative orders entered by this court related to the COVID-19 pandemic remain in full force and effect.

It is ORDERED that the Circuit Clerk shall spread this Order upon the minutes of the Court, provide the Alabama Administrative Office of Courts with a copy of this Order which Office will in turn send a copy to the Alabama State Bar Association, post a copy on the Lawrence County Circuit Court Clerk's official website, otherwise cause a copy of this Order to be specifically filed of record in each matter in which the referenced video or audio conference procedures are employed to conduct any proceedings, and serve a copy of this Order upon the Sheriff of Lawrence County, Alabama, upon the local office of the Alabama Board of Pardons and Paroles, upon the District Attorney of the Thirty-Sixth Judicial Circuit, and upon the Court Referee of this Circuit.

DONE AND ORDERED, this 30th day of April, 2020,

A handwritten signature in black ink, appearing to read "Mark B. Craig", written in a cursive style. The signature is positioned above a horizontal line.

MARK B. CRAIG
Presiding Circuit Judge
36th Judicial Circuit